

**MUNI/WESTERN EXHIBIT 3-6**  
**RESOLUTION 931**

**RESOLUTION NO. 931****A RESOLUTION OF THE BOARD OF DIRECTORS OF SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT REGARDING ACQUISITION OF RIGHTS OF ACCESS FOR THE EXERCISE OF APPROPRIATIVE WATER RIGHTS**

**WHEREAS**, the District and Western Municipal Water District of Riverside County ("Western") have jointly filed appropriative water right application numbers 31165 and 31370 (collectively "Applications") with the State Water Resources Control Board ("SWRCB") to appropriate up to 200,000 acre-feet per year of water from the Santa Ana River; and

**WHEREAS**, the Applications describe points of diversion and water diversion and conveyance facilities at and in the vicinity of Seven Oaks Dam, access to which will be beneficial and/or necessary in order to appropriate water in the manner and for the purposes specified in the Applications; and

**WHEREAS**, the SWRCB requires evidence of a water right applicant's ability, through condemnation proceedings or otherwise, to secure necessary rights of access for the exercise of appropriative water rights; and

**WHEREAS**, the District is invested by the Legislature with the power of eminent domain pursuant to California Water Code §§ 71693 and 71694; and

**WHEREAS**, Seven Oaks Dam is presently operated as a flood control-only facility and the District acknowledges and agrees that any exercise of appropriative water rights under the Applications, if approved by the SWRCB, shall not unreasonably interfere with flood control operations at Seven Oaks Dam; and

**WHEREAS**, California Code of Civil Procedure § 1240.350 provides authority for a public entity to condemn property sufficient to provide necessary access to property interests it has otherwise acquired for public use; and

**WHEREAS**, California Code of Civil Procedure § 1240.510 provides authority for acquiring property already appropriated to public use when such acquisition will not unreasonably interfere with an existing public use; and

**WHEREAS**, the Board of Directors finds and determines that access to Seven Oaks Dam and lands in the vicinity of Seven Oaks Dam, for the activities specified in the Applications, will not unreasonably interfere with existing public uses at those locations;

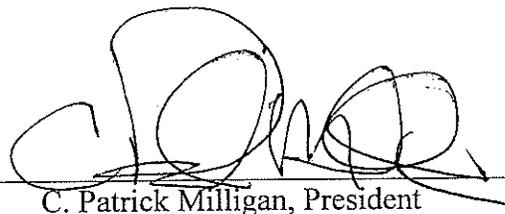
**NOW, THEREFORE, BE IT RESOLVED**, that the District, acting by and through its General Manager and legal counsel, shall, in coordination with Western, take all necessary actions to secure access to Seven Oaks Dam and lands in the vicinity of Seven Oaks Dam, for the activities specified in the Applications, including obtaining appraisals of any non-possessory property interests which access will require; negotiating with interested parties to determine the fair market value of such interests; and entering into appropriate agreement(s) with interested parties regarding the terms and conditions as to which the property will be acquired and the

manner and extent of its use by each party, pursuant to California Code of Civil Procedure § 1240.530.

**FURTHER RESOLVED**, that the District shall seek, in the first instance, to secure its rights of access by negotiation and agreement, in the spirit of Government Code § 7267 and Code of Civil Procedure § 1240.530 without exercising its power of eminent domain.

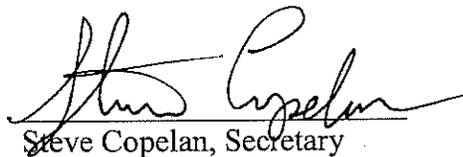
**FURTHER RESOLVED**, that if the District is unable to secure appropriate rights of access by negotiation and agreement, the General Manager and legal counsel shall, in accordance with applicable law, forthwith secure appraisals for the necessary access, propose appropriate offers to interested parties and proceed with preparation and submittal to the Board of Directors of a Resolution of Necessity for the acquisition of the property interests necessary for access as required for the permits the District seeks by its Applications.

**ADOPTED** this 13th day of April, 2007.



C. Patrick Milligan, President

ATTEST:



Steve Copelan, Secretary

(SEAL)